Dkt. 04045

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JEAN-MARC BERAUD

Group Art Unit: 3773

Examiner: D. Erezo

Serial No.: 10/808,799

Filed: March 26, 2004

For: INTRODUCER AND PERFORATOR GUIDE FOR PLACING A TAPE IN THE HUMAN BODY

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 223113-1450

Sir:

The attached Notice of Abandonment was mailed on July 10, 2008, citing the reason for the holding as Applicant's failure to timely file a proper reply to the Office letter mailed on December 27, 2007.

A response to the Office letter of December 27, 2007, was filed on May 22, 2008. Attached hereto is a full copy of the reply, including a request for extension of time for two months, and a receipt card stamped on May 22, 2008. A copy of the credit card payment form PTO-2038 is not attached, but it

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can be verified that the fee for the extension of time in connection with this application has been charged to the account of the undersigned.

As evidence has now been presented that a timely reply to the Office action was filed, withdrawal of the holding of abandonment is requested.

Respectfully submitted,

Ira J. Schultz
Registration No. 28666

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,799	03/26/2004	Jean-Marc Beraud	04045	7168

23338 7590 07/10/2008

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EXAMINER	
EREZO, DARWIN P	
ART UNIT	**PAPER NUMBER**
3773	
MAIL DATE	**DELIVERY MODE**
07/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment	Application No. 10/809,799	Applicant(s) BERAUD, JEAN-MARC	
	Examiner Darwin P. Erezo	Art Unit 3773	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 27 December 2007.
   (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
   (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
   (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
   (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
   (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
   (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
   (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.
   The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.
   (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
   (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
   (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

As of July 7, 2008 (more than six months from the mailing of the Office action), no reply has been received.

/Darwin P. Erezo/
Primary Examiner, Art Unit 3773

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Dkt. 04045

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JEAN-MARC BERAUD

Group Art Unit: 3773

Examiner: D. Erezo

Serial No.: 10/808,799

Filed: March 26, 2004

For: INTRODUCER AND PERFORATOR GUIDE FOR PLACING A TAPE IN THE HUMAN BODY

PETITION UNDER 37 CFR § 1.136

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Petition is herein made under the provisions of 37 CFR 1.136 for an extension of time for two months for response to the Office action of December 27, 2008.

The appropriate fee set forth in 37 CFR 1.17 is paid herewith by credit card (Form PTO-2038). Any fees not accepted by the credit card amount shown on the Form PTO-2038 may be charged to Deposit Account 04-0753.

Respectfully submitted,

Ira J. Schultz
Registration No. 28666

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Dkt. 04045

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Group Art Unit: 3773

JEAN-MARC BERAUD Examiner: D. Erezo

Serial No.: 10/809,799

Filed: March 26, 2004

For: INTRODUCER AND PERFORATOR GUIDE FOR PLACING A TAPE IN THE HUMAN BODY

AMENDMENT

Honorable Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed December 27, 2007, please amend the above-identified application as follows:

A new Abstract is found on page 2 of this paper.

Amendments to the Specification are found on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks begin on page 7 of this paper.

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ABSTRACT

A device for placing a reinforcing tape in a tissue of the human body includes an introducer having an elongated flexible body with a pulling device at each of both ends of the body, a cavity between the ends for receiving the tape, and at least one aperture provided in the wall of the cavity and intended for the passage of a cutting tool. This device is applicable to the treatment of cystoceles.

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IN THE SPECIFICATION:

Page 1, above line 1, insert:

Background of the Invention

Page 2, between lines 4 and 5, insert:

Summary of the Invention

Page 5, between lines 12 and 13, insert:

Brief Description of the Drawings

Page 6, between lines 16 and 17, insert:

Description of the Preferred Embodiments

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IN THE CLAIMS:

The following is a complete listing of claims in this application.

Claims 1-16 (canceled).

17. (new) A device for placing a reinforcing tape in a tissue of the human body, comprising an introducer including:

an elongated flexible body extending along a longitudinal axis and having two ends, each of said ends provided with a pulling means;

a cavity provided in said flexible body between said ends for receiving a reinforcing tape, the cavity defined by walls within the body; and

means for cutting the body into two portions separable by pulling on the pulling means, the cutting means comprising at least one aperture provided in the flexible body into the cavity and extending transversally to the longitudinal axis, the aperture affecting more than half of the circumference of the walls of the cavity, so as to leave only a connecting wall between portions of the flexible body delimited by the aperture, the aperture being constructed and arranged for passage of a cutting tool between the tape received in the cavity and the connecting wall.

18. (new) The device according to claim 17, wherein the aperture is constructed and arranged to allow placement of the tape in the cavity.

19. (new) The device according to claim 17, wherein the cutting means comprises at least two apertures positioned facing each other.

20. (new) The device according to claim 17, wherein the walls defining the cavity have a series of perforations for sterilization.

21. (new) The device according to claim 17, wherein the pulling means comprises semi-rigid needles integral with the

ends of the elongated body.

22. (new) The device according to claim 17, additionally comprising a tape freely positioned inside the cavity.

23. (new) The device according to claim 17, additionally comprising an elongated perforator guide or trocar, having a first end arranged for introduction into the body of a patient and an opposite end provided with a handle.

24. (new) The device according to claim 23, wherein the perforator guide has a portion having an arcuate shape in a plane..

25. (new) The device according to claim 24, wherein the arcuate portion of the perforator guide extends over an angular sector larger than 140°.

26. (new) The device according to claim 25, wherein the arcuate portion of the perforator guide extends over an angular sector between 150° and 170°.

27. (new) The device according to claim 25, wherein the arcuate portion of the perforator guide has a radius of curvature between 30 and 60 mm for a portion of the perforator guide extending between the handle and the first end.

28. (new) The device according to claim 27, wherein the radius of curvature is between 40 and 50 mm.

29. (new) The device according to claim 24, wherein the perforator guide has a helicoïdal shape at the first end.

30. (new) The device according to claim 29, wherein the shape is a portion of a helicoïdal coil extending over an angle between 180° and 360°.

31. (new) The device according to claim 30, wherein the shape is a portion of a helicoïdal coil extending over an angle between 255° and 270°.

32. (new) The device according to claim 30, wherein the coil of the perforator guide has a radius of curvature between 20 mm and 40 mm with a pitch between 15 mm and 25 mm.

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33. (new) The device according to claim 24, further comprising a removable tubular sleeve with a complementary shape to that of the perforator guide, constructed and arranged for engagement onto the perforator guide and to remain in the body of the patient after removing the perforator guide, so as to define a tunnel for the passage of pulling means of the introducer.

34. (new) The device according to claim 33, wherein the tubular sleeve has a length greater than a useful length of the perforator guide and comprises a side aperture for placement of the perforator guide, the side aperture being located at a distance from a free end of the sleeve less than or equal to the useful length of the perforator guide.

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REMARKS

The Office action of December 27, 2007, has been carefully considered.

Objection has been raised to the abstract and specification, and the abstract and specification have now been amended consistent with the requirements set forth in the Office action.

Claims 5 and 7-16 have been rejected under 35 USC 112, second paragraph. The claims have now been canceled and replaced by a new set of Claims 17 through 34 which have been written in proper form for U.S. practice, the new claims avoiding the objections made in the Office action. Withdrawal of this rejection is requested.

Claims 1-5, 7 and 8 have been rejected under 35 USC 102(e) as anticipated by Staskin et al, and Claim 6 has been rejected under 35 USC 103(a) as obvious over Staskin et al.

New Claim 17 is directed to a device for placing a reinforcing tape in a tissue of the human body, comprising an introducer including an elongated flexible body extending along the longitudinal axis and having two ends, each of the ends provided with a pulling means, a cavity provided in the flexible body between the ends for receiving a reinforcing tape and which is defined by walls within the body, and means for cutting the body into two portions separable by pulling on the pulling means. The cutting means comprises at least one aperture provided in the flexible body into the cavity and extending transversely to the longitudinal axis. The aperture affects more than half of the circumference of the walls of the cavity, so as to leave only a connecting wall between portions of the flexible body delimited by the aperture. The aperture is constructed and arranged for passage of a cutting tool between the tape and the connecting wall.

The invention as claimed is clearly distinguished from

the introducer disclosed by Staskin et al. In Staskin et al, the introducer shown is telescoping, and includes two separate parts. However, as cited in the Office action, at the top of column 17 Staskin et al states that "other configurations of the sheath 44 are within the scope of the present invention, in particular, the sheath may be unitary as opposed to telescoping, with perforations, holes, scores or tear lines designed to allow separation and removal of the sheath 44."

Applicant submits that the claimed aperture does not fall within the generic definition of "perforations, holes, scores or tear lines" set forth in Staskin et al. In particular, the aperture must affect more than half of the circumference of the walls of the cavity, and leave only a connecting wall between portions of the flexible body delimited by the aperture. Moreover, the aperture must be constructed to permit passage of a cutting tool between the tape and the connecting wall. Perforations, holes, scores and tear lines do not affect more than half of the circumference of the walls of the cavity, and do not permit passage of a cutting tool. The claimed aperture structure is necessary to permit the introducer to be easily withdrawn from the patient's body, without risk of damaging the tape.

Withdrawal of this rejection is requested.

Claims 8-16 have been rejected under 35 USC 103 over Staskin et al in view of Gellman et al. Staskin et al has been discussed in detail above.

Gellman et al has been cited to show a curved guide in Figure 54, which is used to deliver a sling implant. The Office action alleges that it would have been obvious to utilize the delivery device of Gellman et al with the inserter of Staskin et al.

Nevertheless, Gellman et al does not cure the defects of Staskin et al, and withdrawal of this rejection is requested.

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In view of the foregoing amendments and remarks, Applicant submits that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,

Ira J. Schultz
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Attorney for Applicant
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Dkt. 04237

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Group Art Unit: 1791

STEFAN FECHER et al Examiner: L. Felau

Serial No.: 11/013,795

Filed: December 17, 2004

For: METHOD FOR PRODUCING A DENTAL CERAMIC STRUCTURE

AMENDMENT

Honorable Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed April 17, 2008, please amend the above-identified application as follows:

Amendments to the Specification are found on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks begin on page of this paper.

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IN THE SPECIFICATION:

Page 1, line 3, insert:

Background of the Invention

Page 2, line 3, insert:

Summary of the Invention

Page 3, line 8, insert:

Brief Description of the Drawings

line 17, insert:

Description of the Preferred Embodiments

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IN THE CLAIMS:

The following is a complete listing of claims in this application.

Claims 1-5 (canceled).

6. (new) A method of producing a dental ceramic structure using a muffle having two sections which define a cavity corresponding to a negative shape of the structure, comprising the steps of:

a) digitizing a model or partial model of the dental structure to be produced and generating a CAD data set of the dental structure to be produced;

b) cutting each section of the muffle based on the CAD data set to form the cavity;

c) injecting a ceramic into the cavity by way of at least one sprue;

d) hardening the ceramic, and subsequently removing the structure from the cavity with the sprue or flash thereof extending from the structure; and

e) removing the sprue or flash on the basis of the CAD data set of the structure to be produced.

7. (new) The method according to claim 6, wherein the dental ceramic structure comprises a supporting structure, and after forming the cavity, the structure is placed in the cavity and the ceramic is pressed into the cavity over the structure.

8. (new) The method according to claim 6, wherein the mold cavity is surrounded by a hardened embedding material.

9. (new) The method according to claim 6, wherein the sections of the muffle defining the mold cavity are cut by milling or grinding.

10. (new) The method according to claim 6, wherein a plurality of sprues opening into the mold cavity are formed for injection of the ceramic.

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REMARKS

The Office action of April 17, 2008, has been carefully considered.

The specification has been amended to insert proper subject matter headings.

Claims 1-5 have been rejected under 35 USC 103(a) over Duret et al in view of Bodenmiller et al.

Claims 1-5 have now been canceled and replaced by a new set of Claims 6-10 written in proper form for U.S. practice. Claim 6 is directed to a method for producing a dental ceramic structure using a muffle having two sections which define a cavity corresponding to a negative shape of the structure. According to the method, a model or partial model of the dental structure to be produced is digitized and a CAD data set is generated for the dental structure to be produced. Each section of the muffle is cut based on the CAD data set to form a cavity, and a ceramic is injected into the cavity by way of at least one sprue. This ceramic is hardened and subsequently, the structure produced is removed from the cavity with the sprue or flash thereof extending from the structure and then the sprue or flash is removed based upon the CAD data set.

The Duret reference generally discloses the state of the art in which a dental ceramic structure is produced using a muffle having two sections which define a cavity corresponding to the negative shape of the structure and a flowable material is supplied into the cavity by a sprue. Such a method can be seen in Figure 27 of Duret.

According to Duret, the cavities can be fabricated by various machining techniques (see column 4, lines 20-24). Duret does not, however, suggest using a CAD data set for fabricating the cavity.

After assembling the parts of the muffle, Duret discloses

injecting a synthetic resin into the muffle, as disclosed at column 10, lines 57-58. The finished mold with flashes is shown in Figure 27 and since there is no specific disclosure of how the flashes are to be removed it may be assumed that conventional manual techniques are used.

The invention improves upon the disclosure of Duret in that CAD data set is produced, and each section of the muffle is cut based upon the CAD data set to form a cavity, and the sprue or flash is removed based on the CAD data set. This enables precise geometries to be achieved, contrary to the method disclosed by Duret.

It is moreover noted that Duret discloses injecting a synthetic resin into the cavity, as opposed to a ceramic according to the invention.

The Bodenmiller et al reference is directed to a method for the manufacture of dental-medical parts from ceramics. For this purpose, an isostatically compressed ceramic green body 4 is secured in a workpiece receiver 1 by way of embedding, preferably with a pourable embedding material 3, as disclosed in paragraph [0034]. The green body 4 held by the workpiece receiver 1 is then inserted into a holding device of a milling machine (paragraph [0035]) for treatment on one side of the green body. After machining of one part of the workpiece 6 is completed, the treated part of the green body is secured in an embedding mass 3 for subsequent treatment of the other part. This can be seen in Figures 2-7 of Bodenmiller et al.

Bodenmiller et al does not disclose a muffle, or a ceramic material pressed into a cavity. Flashes that might need to be removed are not present in Bodenmiller et al. While Bodenmiller et al does disclose fabrication of a dental prosthesis by a CAD-CAM method, the dental prosthesis is produced directly on the basis of the CAD data, the CAD data

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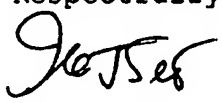
being used to treat the green body.

In contrast, the invention provides the formation of a cavity based on the CAD data, the cavity being a negative model of the dental prosthesis to be produced. There is no disclosure or suggestion in the art to use CAD data for the fabrication of a negative model of the prosthesis and for finishing of the prosthesis produced in the negative cavity.

Withdrawal of this rejection is accordingly requested.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



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Docket: 06140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	**MAIL STOP AMENDMENT**
Ralf CHRISTOPH et al.	Group Art Unit: 2882
Serial No.: 11/597,625	Examiner: Thomas R. Artman
Filed: November 27, 2006	

For: COORDINATE MEASURING APPARATUS AND METHOD FOR MEASURING AN OBJECT

RESPONSE TO RESTRICTION REQUIREMENT

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This is in response to the requirement for restriction that was made under 35 U.S.C. §121 and 372 on June 12, 2008, in the above-mentioned application.

The Office has required restriction in the present application as follows:

Group 1: claims 106-161, drawn to an apparatus and method for measuring an object by means of a coordinate measuring device.

Group 2: claims 162-178, drawn to a method for measuring structures by rotating an X-ray sensor system.

Group 3: claims 179-210, drawn to a method for calibration.

Applicants hereby elect to prosecute, with traverse, the invention of Group 1, claims 106-161, drawn to an apparatus and method for measuring an object by means of a coordinate measuring device.

It is believed that claims 106-161 read on the elected

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invention.

Applicants respectfully traverse the restriction requirement on the grounds that the Office has not shown even a *prima facie* case that a serious burden would be placed on the Examiner if the inventions of Groups 1, 2, and 3 were to be examined together. Accordingly, since it has not been shown by the Office that a serious burden would be placed on the Examiner if the inventions of Groups 1, 2, and 3 were to be examined together, Applicants submit that restriction cannot be properly maintained between Groups 1, 2, and 3. The restriction requirement is clearly improper, and it should be withdrawn.

It is believed that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

Date: July 14, 2008 By: Malcolm J. MacDonald

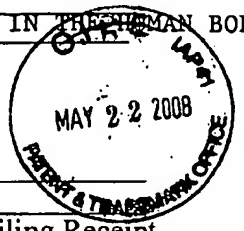
Malcolm J. MacDonald
Reg. No. 40,250
(703) 837-9600 Ext. 24

Due Date May 27, 2008 Docket No. 04045/BEAU/IS/cd

Applicant Jean-Marc BERAUD Mail Room XX Group

SN/PN 10/808,799 Other

Title INTRODUCER AND PERFORMATION GUIDE FOR PLACING A TAPE IN THE HUMAN BODY



____ Declaration _____ Assignment

____ Priority Document(s) (#_____)

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_____

____IDS____1499 # of Docs:_____	_____Request for Corrected Filing Receipt
_____Restriction Response	XX OA Response
_____Preliminary Amendment	_____ Letter_____
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XX Request for 2 month EOT	_____Request for Certificate of Correction
_____Drawings - No. of Sheets _____	_____Notice to File Missing Parts
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XX Fees $ 460.00 For two month extension fee	
Check_____Deposit Account _____ Credit Card Form PTO-2038 XX	
____Other_____	

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